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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-581001 / AABOSW35	3571
26162	7590	10/03/2005	EXAMINER BROWN, VERNAL U	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,391

Applicant(s)

ALLEN ET AL.

Examiner

Vernal U. Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/09/04, 1/06/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The application of William Allen for Remote Controlling filed 1/6/2004 has been examined. Claims 1-20 are pending.

Specification

The abstract of the disclosure is objected to because it includes improper language such as "The present invention". See MPEP 08.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The current abstract using phrase "The invention " is implied and should be avoided

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Ee et al. US Patent 6208341.

Regarding claims 1, 6, 13 Van Ee et al. teaches a method comprising providing, to a user of a control device, an indication of a value currently associated with a preset (time delay between macros as shown in figure 5), and simultaneously providing an indication of a possible

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new value of the preset by showing the sign to increment or decrement the delay time (col. 4 lines 8-18).

Regarding claims 2-3, Van Ee et al. teaches the preset is associated with works performed by a multi-media system (col. 4 lines 8-18).

Regarding claim 4, Van Ee et al. teaches the indications comprise graphical items on a display (col. 2 lines 15-19).

Regarding claim 5, Van Ee et al. teaches the display 202 is part of the control device (figure 2).

Regarding claims 7-8, Van Ee et al. teaches the control device communicates with a second device to effect the confirmed new preset value by transmitting the IR signal according to the preset delay value (col. 4 lines 8-18).

Regarding claim 12, Van Ee et al. teaches a method comprises a source of items to be performed (controlling the home theater), the source being configured to store the items for performance (control codes) in response to the preset (col. 3 lines 53-58).

Regarding claim 9, Van Ee et al. teaches enabling a user of a control device to indicate a possible new value of a preset (time delay between macros as shown in figure 5) (col. 4 lines 8-18) and to separately confirm the indication by selecting the delay using the arrow keys (col. 4 lines 15-25). Van Ee et al. further teaches using the new value to effect other device such as the TV, VCR and audio system (col. 4 lines 8-18).

Regarding claim 10, Van Ee et al. teaches the value comprises identifier of a station (TV-3) (col. 4 line 11).

Regarding claims 15-16, Van Ee et al. teaches a method comprising displaying values of possible selections at one level of a hierarchy of values, enabling a user to select one of the values at the one level of the hierarchy (col. 2 lines 5-6), and while at least a portion of the one level of the hierarchy is displayed, showing possible selections at a second, lower level of the hierarchy that correspond to the one of the values selected by the user, at least another portion of the one level being obscured (col. 2 lines 5-19).

Claims 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe US Patent Application Publication 20020031235..

Regarding claims 17 and 19-20, Abe teaches enabling a user at a control device to enter a command to cause muting of only a portion of a sound system, and enabling the user to enter a command to cause muting of at least another portion of the sound system (paragraph 006).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ee et al. US Patent 6208341 in view of Sass US Patent Application 20050065625.

Regarding claim 11, Van Ee et al. teaches controlling a home entertainment system including an audio device (col. 2 lines 55-60) but is not explicit in teaching a radio station and the media player comprises a radio receiver. Sass in an art related audio system invention teaches a media player having a radio receiver (paragraph 008) and one skilled in the art recognizes that an audio system is associated with a radio station in order to receive broadcast information. It would have been obvious to one of ordinary skill in the art to have a radio station associated with the audio system and a media player comprising a radio receiver in Van Ee et al. as evidenced by Saas because Van Ee et al. suggests controlling a home entertainment system including an audio device and one skilled in the art recognizes that an audio system is associated with a radio station in order to receive broadcast information.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe US Patent Application Publication 20020031235 in view of Kamieniecki US Patent Application Publication 20030066080.

Regarding claim 18, Abe teaches entering command to control the device (paragraph 006) but is silent on teaching the command depends on duration of the entering of the command by the user. Kamieniecki in an art related remote control system teaches the command depends on duration of the entering of the command by the user by pressing a sequence of button in a predetermined time for entering the command (paragraph 003) in order to prevent activating a device just accidentally touch a button of the remote control.

It would have been obvious to one of ordinary skill in the art for the command depends on a duration of the entering of the command by the user in Abe as evidenced by Kamieniecki because Abe suggests entering command to control the device and Kamieniecki teaches the

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command depends on duration of the entering of the command by the user by pressing a sequence of button in a predetermined time for entering the command in order to prevent activating a device just accidentally touch a button of the remote control.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
September 29, 2005



BRIAN ZIMMERMAN
PRIMARY EXAMINER